



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

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FINAL AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("Department" or "MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

ISSUED TO ["the Permittee"]:

Waste Management of Massachusetts, Inc.
26 Patriot Place, Suite 300
Foxboro, MA 02035

FACILITY LOCATION:

Taunton Sanitary Landfill
330 East Britannia Street
Taunton, Massachusetts 02780

NATURE OF BUSINESS:

Municipal Solid Waste Landfill

RESPONSIBLE OFFICIAL:

Name: Mr. Steven Poggi
Title: Director of Disposal Operations

INFORMATION RELIED UPON:

Application No. SE-16-013
Transmittal No. X271342

FACILITY IDENTIFYING NUMBERS:

AQ ID: 1200710
FMF FAC NO. 39792
FMF RO NO. 402784

Standard Industrial Classification (SIC): 4953
North American Industrial Classification System
(NAICS): 562212

FACILITY CONTACT PERSON:

Name: Mr. Peter Richer
Title: Area Engineering Manager
Phone: (508) 549-8057

This Operating Permit shall expire on July 27, 2023

For the Department of Environmental Protection

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

7/27/18

Permit Chief, Bureau of Air and Waste

Date

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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TABLE OF CONTENTS

Section	Special Conditions for Operating Permit	Page No.
1	Permitted Activities and Description of Facility Operations	3
2	Emission Unit Identification - Table 1	5
3	Identification of Exempt Activities - Table 2	5
4	Applicable Requirements	
	A. Operational and/or Production Emission Limits and Restrictions - Table 3	6
	B. Compliance Demonstration	
	- Monitoring/Testing Requirements - Table 4	7
	- Record Keeping Requirements - Table 5	9
	- Reporting Requirements - Table 6	10
	C. General Applicable Requirements	12
	D. Requirements Not Currently Applicable - Table 7	12
5	Special Terms and Conditions - Table 8	12
6	Alternative Operating Scenarios – Table 9	16
7	Emissions Trading – Table 10	16
8	Compliance Schedule	16
Section	General Conditions for Operating Permit	Page No.
9	Fees	17
10	Compliance Certification	17
11	Noncompliance	18
12	Permit Shield	18
13	Enforcement	19
14	Permit Term	19
15	Permit Renewal	20
16	Reopening for Cause	20
17	Duty to Provide Information	20
18	Duty to Supplement	20
19	Transfer of Ownership or Operation	21
20	Property Rights	21
21	Inspection and Entry	21
22	Permit Availability	21
23	Severability Clause	21
24	Emergency Conditions	22
25	Permit Deviation	22
26	Operational Flexibility	23
27	Modifications	23
28	Ozone Depleting Substances	24
29	Prevention of Accidental Releases	25
Section	Appeal Conditions for Operating Permit	26

SPECIAL CONDITIONS FOR OPERATING PERMIT

1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00: Appendix C, and applicable rules and regulations, the Permittee is authorized to operate air emission units as shown in Table 1 and exempt, and insignificant activities as described in 310 CMR 7.00: Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6, and to other terms and conditions as specified in this Permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this Permit.

A. DESCRIPTION OF FACILITY AND OPERATIONS

The Taunton Sanitary Landfill (Facility) is located on approximately an 84 acre parcel of property owned by the City of Taunton and consists of landfill sections and cells, a residential recycling/solid waste collection drop-off area, and ancillary activities. The Facility is operated for the disposal of municipal solid waste (MSW), non-municipal solid waste; and municipal sewage sludge, and grit and screenings from the City of Taunton's municipal wastewater treatment plant.

At the Taunton Sanitary Landfill a landfill gas (LFG) collection system is operating. The system is comprised of vertical gas extraction wells and horizontal gas collectors with lateral piping, connected to a main header system. Once collected, the LFG is supplied as fuel to an electric generating facility consisting of Reciprocating Internal Combustion Engine (RICE) electrical generating sets and/or an open utility flare located adjacent to the Taunton Sanitary Landfill. During periods when the LFG gas is not used for electric generation, it is directed to the open flare where the LFG is combusted. The RICE electrical generating sets and open flare constitute a separate entity from the ownership and operation of the Taunton Sanitary Landfill. MM Taunton Energy LLC owns and operates the RICE electrical generating sets and open flare in accordance with a March 11, 2011 Revised Conditional Approval No. 4B05026 issued by MassDEP.

MassDEP has made a common control determination and concluded that there is no common control between the Facility and MM Taunton Energy LLC. The Facility has no control over MM Taunton Energy LLC's operations or management and does not share any common employees and/or administrative functions. The Facility has separate permitting and liability responsibilities and is not responsible for environmental liability for MM Taunton Energy LLC in enforcement. In addition, the Facility does not depend on the electricity generated by MM Taunton Energy LLC to power its operation. Therefore; the two entities are to remain separate sources.

The Facility is subject to 40 CFR 60 Subpart WWW, *Standards of Performance for Municipal Solid Waste Landfill*. The Facility was exempt from the Non Methane Organic Compound (NMOC) emission rate calculation because the facility's design capacity was less than 2.5 million megagrams and 2.5 million cubic meters. A vertical expansion of the landfill to a maximum fill elevation of 220 ft –msl (exclusive of final cover system), which began construction on March 3, 2006 with the approval of the cell liner supply and installation contract, resulted in an increase in design capacity. As a result of this increase and in accordance to 40 CFR 60 Subpart WWW, §60.752(a)(2), the Facility is required to submit an annual emission report and recalculate the NMOC emission rate annually.

The Facility is an area source of Hazardous Air Pollutants (HAPs). In order to be exempt from 40 CFR 60 Subpart WWW collection and control system requirements, the Facility has to demonstrate that its uncontrolled NMOC emissions is less than 50 megagrams per year. The Facility conducted a Tier 2 sampling on June 9, 2016 and submitted a report dated June 30, 2016 to the Massachusetts Department of Environmental Protection (MassDEP) and USEPA Region 1. The report presented the results covering the five (5) year period of time from 2016 to 2021. As such, the Facility is not subject to 40 CFR 63 Subpart AAAA or 40 CFR 60 Subpart WWW 60.752(b)(2)(ii) collection and control requirements.

In addition, the Facility operates two emergency generators. Emergency generator no. 1 (identified herein as Emission Unit No. 2) was manufactured on December 16, 1998 and has applicable requirements under 40 CFR 63 Subpart ZZZZ, *National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*. Emergency generator no. 2 was manufactured on June 25, 2008; therefore, in accordance with 40 CFR 60 Subpart JJJJ, §60.4230(a)(4)(iv), the generator is exempt from the subpart.

Massachusetts Greenhouse Gas Reporting Program

The Permittee is subject to the requirements of Greenhouse Gas Emissions Reporting as defined by MassDEP in 310 CMR 7.71(3)(a).

Pursuant to 310 CMR 7.71(2) *Definitions*: Greenhouse Gas means any chemical or physical substance that is emitted into the air and that MassDEP may reasonably anticipate will cause or contribute to climate changed including, but not limited to, CO₂, CH₄, N₂O, SF₆, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).

Compliance Assurance Monitoring

In accordance with 40 CFR Part 64.2, Compliance Assurance Monitoring (CAM) does not apply to the Facility as the emission units do not use control devices to achieve compliance with emission limitations or standards.

Operating Permit Section 4, Tables 3, 4, 5, and 6 list the facility emission and operational and/or production limits, along with monitoring, testing, record keeping and reporting requirements. Operating Permit Section 4, Table 7 lists regulations that are not applicable to the facility at this time.

2. EMISSION UNIT IDENTIFICATION

The following emission units (Table 1) are subject to and regulated by this operating permit:

Table 1			
Emission Unit (EU)	Description of EU	EU Design Capacity	Pollution Control Device (PCD)
EU-1	Municipal Solid Waste Landfill	3,276,256 Megagrams ⁽¹⁾	N/A
EU-2	<u>Emergency Generator No. 1</u> Kohler Model. No. 35	<u>Maximum heat rate input</u> 0.48 MMBtu/hr	N/A

Table 1 Key :

EU = Emission Unit
 PCD = Pollution Control Device
 N/A = not applicable

Table 1 Note :

1. Approximate solid waste disposal capacity based on vertical expansion to 220 feet-mean sea level (ft-msl) The Facility has received approval from the MassDEP's Bureau of Solid Waste for a vertical expansion to 260 ft-msl (Transmittal No. X270848 and X271048 dated November 1, 2016), which will affect the capacity once the expansion is constructed.

3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

Table 2	
Description of Current Exempt Activities	Reason
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the MassDEP's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.	310 CMR 7.00: Appendix C(5)(h)

Table 2 Key :

MassDEP = Massachusetts Department of Environmental Protection
 CMR = Code of Massachusetts Regulation

4. APPLICABLE REQUIREMENTS

A. EMISSION LIMITS AND RESTRICTIONS

The Permittee is subject to the emission limits/restrictions as contained in Table 3 below:

Table 3						
EU	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emission Limits/Standards ⁽²⁾		Applicable Regulation and/or Approval No.
EU-1	LFG	NMOCs ⁽¹⁾	<i>Refer to:</i> Operating Permit No. SE-16-013, Section 5, Table 8. Special Terms and Conditions	Cell 5 Vertical Expansion	Total Landfill Facility	40 CFR 60 Subpart WWW §60.752(a)(2) Approval No. SE-11-044
				15 TPY	38 TPY	
		VOCs		15 TPY	38 TPY	
EU-1	LFG	HAPs (Single & Total) ⁽³⁾	<i>Refer to:</i> Operating Permit No. SE-16-013, Section 5, Table 8. Special Terms and Conditions	3.6 TPY	9.0 TPY	40 CFR 60 Subpart WWW §60.752(a)(2) Approval No. SE-11-044
		HOCs		0.5 TPY	1.3 TPY	
EU-2	Natural Gas	N/A	Limits of Operation – See Section 5, Table 8 Recordkeeping – See Table 5			310 CMR 7.02(8)(i)2. (State-only Requirement)
			See Tables 4, 5, 6, and Section 5, Table 8			40 CFR Subpart ZZZZ
Facility-Wide	All	Greenhouse Gas ⁽⁴⁾	N/A			310 CMR 7.71 (State-only Requirement)

Table 3 Key:

- EU = Emission Unit
- No. = Number
- LFG = landfill gas
- NMOCs = Non-Methane Organic Compounds

Table 3 Key (continued):

VOCs	= Volatile Organic Compounds
HAPs	= Hazardous Air Pollutants
HOCS	= Halogenated Organic Compounds
TPY	= tons per consecutive 12-month period
CMR	= Code of Massachusetts Regulations
§	= Section
N/A	= Not applicable

Table 3 Notes:

1. NMOCs contain VOCs, HAPs and HOCs fractions, whose individual compounds and pollutants are not categorically unique.
2. Approval No. SE-11-044 applicable emission limits not contained in Table 3 (Emission Limit/Standard) are included in Operating Permit No. SE-16-013, Section 5, Table 8 - Special Terms and Conditions.
3. Any “Single” HAP or “Total Aggregate” HAPs.
4. Greenhouse gas (GHG) means any chemical or physical substance that is emitted into the air and that the Department may reasonably anticipate will cause or contribute to climate change including, but not limited to, carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).

B. COMPLIANCE DEMONSTRATION

The Permittee is subject to the monitoring/testing, record keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10), and applicable requirements contained in Table 3:

Table 4	
EU	MONITORING/TESTING REQUIREMENTS
EU-1	<ol style="list-style-type: none"> 1. In accordance with Plan Approval No. SE-11-044, the ability of the facility to maintain emission rates at or below levels stated in this Operating Permit shall be demonstrated to MassDEP in the future if deemed necessary. 2. In accordance with Plan Approval No. SE-11-044, the Permittee shall conduct emission testing, if requested by MassDEP, in accordance with USEPA Reference Test Methods and regulation 310 CMR 7.13. If required, a pretest protocol report shall be submitted to MassDEP at least 30 days prior to emission testing and the final test results report shall be submitted within 45 days after emission testing. 3. In accordance with 310 CMR 7.12, monitor operations such that information may be compiled as necessary for the annual preparation of a Source Registration/Emission Statement Form. 4. In accordance with Plan Approval No. SE-11-044 and 40 CFR 60 Subpart WWW, the Permittee shall perform all necessary site specific sampling/monitoring/testing, as applicable, which includes but is not limited to: 40 CFR 60.754(a)(3) <u>Tier 2</u>.

Table 4 (continued)	
EU	MONITORING/TESTING REQUIREMENTS
EU-2	5. In accordance with 40 CFR 63 Subpart ZZZZ, Table 2d, meet the following requirements: a. Change oil and filter every 500 hours of operation or annually, whichever comes first; b. Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first; and c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first.
	6. In accordance with 40 CFR 63, Subpart ZZZZ, §63.6625(i), an oil analysis program may be utilized as an option to extend the specified oil change requirement in Table 2d to this subpart (see Item 5 above).
	7. In accordance with 40 CFR 63 Subpart ZZZZ, §63.6625(e), operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer’s emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.
	8. In accordance with 40 CFR 53 Subpart ZZZZ, §63.6625(f), install a non-resettable hour meter if one is not already installed.
	9. In accordance with 40 CFR 53 Subpart ZZZZ, §63.6625(h), minimize the engine’s time spent at idle during startup and minimize the engine’s startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.
Facility-Wide	10. In accordance with 310 CMR 7.71(1) and Appendix C(9) the Permittee shall establish and maintain data systems or record keeping practices (e.g. fuel use records, SF ₆ usage documentation, Continuous Emissions Monitoring System) for greenhouse gas emissions to ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, St. 2008, c. 298, §6. (State-only Requirement)

Table 4 Key:

- | | | | |
|-----------------|--|--------|-----------------------------|
| EU | = Emission Unit | No. | = Number |
| SF ₆ | = Sulfur hexafluoride | M.G.L. | = Massachusetts General Law |
| MassDEP | = Massachusetts Department of Environmental Protection | c. | = chapter |
| USEPA | = United States Environmental Protection Agency | § | = section |
| CMR | = Code of Massachusetts Regulations | | |
| CFR | = Code of Federal Regulations | | |
| e.g. | = for example | | |

Table 5

EU	RECORD KEEPING REQUIREMENTS
EU-1	<p>1. In accordance with Plan Approval No. SE-11-044, the facility shall maintain detailed NMOC, VOC, HAP and HOC records on a consecutive 12-month period basis (the total from the latest month plus the sum for the eleven months preceding the latest month) for the Cell 5 Vertical Expansion. These records, including any other “credible evidence”, shall document the compliance status of the facility regarding the conditions, provisions, requirements, and limits contained in Plan Approval No. SE-11-044. Supporting documentation, including waste acceptance records, shall be maintained.</p>
	<p>2. In accordance with Plan Approval No. SE-11-044, a copy of records shall be kept readily available on-site for a period of sixty (60) consecutive months and shall be made available to MassDEP and/or USEPA personnel upon request.</p>
	<p>3. In accordance with 40 CFR 60.752(b), calculate the NMOC emission rate for the landfill using the procedures specified in §60.754. The NMOC emission rate shall be recalculated annually. In accordance with 40 CFR 60.757(b)(1)(ii), if the estimated NMOC emission rate is less than 50 megagrams per year in each of the next 5 consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report.</p>
	<p>4. In accordance with 310 CMR 7.12, maintain records of facility operations such that information may be reported as required for Source Registration.</p>
	<p>5. In accordance with 310 CMR 7.00, Appendix C(10)(b), maintain records of all monitoring data and supporting information required by this Operating Permit on-site for five (5) years from the date of the monitoring sample, measurement, reports, or initial Operating Permit application.</p>
EU-2	<p>6. In accordance with 310 CMR 7.02(8)(i)3., maintain on site, for remote locations, at the closest facility where records can be maintained, the following records for the engine:</p> <ul style="list-style-type: none"> a. Information on equipment type, make and model, and maximum power input/output; and b. A log of operations, including date, time and duration of operation and reason for each start, fuel type and supplier; and c. Purchase orders, invoices, and other documents to support information in the log. d. A log of conditions under which the engine operated pursuant to 310 CMR 7.02(8)(i)2.
	<p>7. In accordance of 310 CMR 7.02(8)(i)4., log and records established under 310 CMR 7.02(8)(i)3. shall be made available to the Department or its designee upon request. The owner/operator shall certify that the log is accurate and true in accordance with 310 CMR 7.01(2)(c).</p>
	<p>8. In accordance with 40 CFR 63, Subpart ZZZZ, §63.6655(e), keep records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan.</p>

Table 5 (continued)	
EU	RECORD KEEPING REQUIREMENTS
EU-2	9. In accordance with 40 CFR 63, Subpart ZZZZ, §63.6655(f), keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation.
Facility-Wide	10. In accordance with 310 CMR 7.71(6)(b) and (c) the Permittee shall keep on site at the facility documents of the methodology and data used to quantify emissions for a period of 5 years from the date the document is created. The Permittee shall make these documents available to MassDEP upon request. (State-only Requirement)

Table 5 Key:

- EU = Emission Unit
- No. = Number
- NMOC = Non-Methane Organic Compounds
- VOC = Volatile Organic Compound
- HAP = Hazardous Air Pollutant
- HOC = Halogenated Organic Compound
- MassDEP = Massachusetts Department of Environmental Protection
- USEPA = United States Environmental Protection Agency
- CFR = Code of Federal Regulations
- § = section
- CMR = Code of Massachusetts Regulations

Table 6	
EU	REPORTING REQUIREMENTS ⁽¹⁾
EU-1	<p>1. All notifications and reporting required in accordance with Plan Approval No. SE-11-044 and Operating Permit No. SE-16-013 (including but not limited to Section 25) shall be sent directly to:</p> <p style="margin-left: 40px;">Department of Environmental Protection Southeast Regional Office Bureau of Air and Waste 20 Riverside Drive Lakeville, MA 02347</p> <p style="margin-left: 40px;">Attn: Chief, Permit Section</p> <p style="margin-left: 40px;">Tel: (508) 946-2824 Fax: (508) 947-6557 or (508) 946-2865</p> <p>2. In accordance with 310 CMR 7.00, Appendix C(10)(f), report to MassDEP all instances of deviations from permit requirements. This report shall include the deviation itself, including those attributable to upset conditions as defined in the Permit, the probable cause of the deviation, and any corrective actions or preventive measures taken.</p>

Table 6 (continued)	
EU	REPORTING REQUIREMENTS ⁽¹⁾
EU-1	3. In accordance with 310 CMR 7.00, Appendix C(10)(c), report a summary of all monitoring data and related supporting information to MassDEP every six months (January 30 th and July 30 th) of each calendar year.
	4. In accordance with 310 CMR 7.00, Appendix C(10)(a), the Permittee, upon MassDEP's request shall transmit any record relevant to the Operating Permit within 30 days of the request by MassDEP or within a longer time period if approved in writing by MassDEP. The record shall be transmitted on paper, on computer disk, or electronically at the discretion of MassDEP.
	5. In accordance with 310 CMR 7.00, Appendix C(10)(h), all required reports must be certified by a responsible official as provided in 310 CMR 7.00, Appendix C(5)(c).
	6. In accordance to 310 CMR 7.00 Appendix C(5)(b) 9, submit annually, based on a calendar year, a certification that the facility is maintaining the required records to assure the facility is in compliance with the applicable requirements designated in this permit (see provision 10 in “General Conditions For Operating Permit”).
	7. In accordance with 40 CFR 60.752(b), calculate an NMOC emission rate for the landfill using the procedures specified in §60.754. The NMOC emission rate shall be recalculated annually. Submit an annual emission report to the USEPA (Region 1) and MassDEP, except as provided for in §60.757(b)(1)(ii), <u>and</u> recalculate the NMOC annually using the procedures specified in 40 CFR 60.754(a)(1) until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, or the landfill is closed.
	8. In accordance with 40 CFR 60.757(b)2), the NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions.
	9. In accordance with 310 CMR 7.12 submit annually information pertinent to the nature and amounts of emissions on forms provided by MassDEP, and in addition, ensure that the facility is available for inspection by MassDEP and/or USEPA personnel at any reasonable time.
Facility-Wide	10. In accordance with 310 CMR 7.71(5), the Permittee shall electronically submit and certify by April 15 th of each year a greenhouse gas emissions report to MassDEP. (State-only Requirement)

Table 6 Key:

- | | |
|---------|--|
| EU | = Emission Unit |
| MA | = Massachusetts |
| No. | = Number |
| NMOC | = Non-Methane Organic Compounds |
| MassDEP | = Massachusetts Department of Environmental Protection |
| USEPA | = United States Environmental Protection Agency |
| CFR | = Code of Federal Regulations |
| § | = section |
| CMR | = Code of Massachusetts Regulations |

Table 6 Note:

1. The annual Source Registration/Emission Statement shall be submitted to the DEP Office specified in the instructions. *All other reports, including both 6-month summary reports, are to be submitted to the Southeast Regional Office address, as specified on the letterhead of this Operating Permit.*

C. GENERAL APPLICABLE REQUIREMENTS

The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

D. REQUIREMENTS NOT CURRENTLY APPLICABLE

The Permittee is currently not subject to the following requirements:

Table 7	
REGULATION	REASON
310 CMR 7.16 Reduction of Single Occupant Commuter Vehicle Use	The Facility employs fewer than 20 people.
40 CFR 64 Compliance Assurance Monitoring	The emission units do not use control devices to achieve compliance with emission limitations or standards.

Table 7 Key:

CFR = Code of Federal Regulations
 CMR = Code of Massachusetts Regulations

5. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to the following special provisions that are not contained in Table 3, 4, 5, and 6:

Table 8	
EU	Special Terms and Conditions
EU-2	<ol style="list-style-type: none"> 1. In accordance with 310 CMR 7.02(8)(i)2.a., the engine shall be operated only: <ol style="list-style-type: none"> i. for up to 100 hours per calendar year, or as otherwise approved by EPA, for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine; ii. as part of the 100 hours, for up to 50 hours per calendar year for non-emergency situations; and iii. during periods of electric power outage due to failure of the electrical supply, in whole or in part, onsite disaster, local equipment failure, flood, fire or natural disaster, or when the imminent threat of a power outage is likely due to failure of electrical supply.

Table 8 (continued)	
EU	Special Terms and Conditions
EU-2	<p>2. In accordance with 40 CFR 63 Subpart ZZZZ, §63.6605(b), at all times operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.</p>
	<p>3. In accordance with 40 CFR 53 Subpart ZZZZ, §63.6640(f), operate the emergency stationary RICE according to the requirements in paragraphs (f)(1) through (4) of this section. In order for the engine to be considered an emergency stationary RICE, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1) through (4) is prohibited. If you do not operate the engine according to the requirements in paragraphs (f)(1) through (4) of this section, the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines.</p> <p>1) There is no time limit on the use of emergency stationary RICE in emergency situations.</p> <p>2) The Permittee may operate the emergency stationary RICE for any combination of the purposes specified in paragraph (i) for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraphs (i) through (iii) of this section counts as part of the 100 hours per calendar year.</p> <p>(i) Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine.</p> <p>3. Emergency stationary RICE may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing provided in paragraph (f)(2) of this section. Except as provided in paragraphs (f)(4)(i) and (ii) of this section, the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.</p>
	<p>4. Emission Unit No. 2 (EU-2) is subject to the requirements of 40 CFR 63.1-16, Subpart A, “General Provisions” as indicated in Table 8 to Subpart ZZZZ of 40 CFR 63. Compliance with all applicable provisions therein is required.</p>
	<p>4. In accordance with Plan Approval No. SE-11-044, waste materials landfilled shall not exceed 240,240 tons per any 12-month consecutive period.</p>
Facility-wide	<p>5. In accordance with Plan Approval No. SE-11-044, waste materials landfilled shall not exceed 120,120 tons per any calendar year.</p>

Table 8 (continued)

EU	Special Terms and Conditions										
Facility-wide	<p>6. In accordance with Plan Approval No. SE-11-044, the facility emission rates for NMOCs, VOCs, single maximum HAP, total HAPs, and HOCs shall be calculated using the equations for calculating uncontrolled emissions in Section 2.4 of the USEPA’s Compilation of Air Pollution Emission Factors, Volume 1: Stationary Point and Area Sources, AP-42, Fifth Edition, Office of Air Quality Planning and Standards, Research Triangle Park, NC, November 1998 (http://www.epa.gov/ttn/chief/ap42). The latest edition (6th, 7th, etc.) of the above-referenced document shall be used when available for calculations. The values for variables L₀, k, and C_{NMOC}, as provided below, shall be used in calculating the uncontrolled emissions. The values for the average concentrations of the LFG constituents shall be based on Solid Waste Association of North America’s <i>Waste Industry Air Coalition (WIAC) Comparison of Recent Landfill Gas Analyses with Historic AP-42 Values, January 2001</i>, and shall be used for calculating single maximum HAP, total HAPs and HOCs.</p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr style="background-color: #d3d3d3;"> <th colspan="2" style="text-align: center;">EMISSION FACTORS</th> </tr> <tr> <th style="text-align: center;">Variable</th> <th style="text-align: center;">Value (Units)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">L₀ (emission generation potential)</td> <td style="text-align: center;">170 (cubic meters gas per Megagram refuse)^(see Note 1)</td> </tr> <tr> <td style="text-align: center;">k (generation rate constant)</td> <td style="text-align: center;">0.05 (yr⁻¹)^(see Note 1)</td> </tr> <tr> <td style="text-align: center;">C_{NMOC} (NMOC concentration)</td> <td style="text-align: center;">297.7 (ppmv as hexane)^(see Note 2)</td> </tr> </tbody> </table> <p>Notes:</p> <ol style="list-style-type: none"> 1. L₀ and k were not determined by sampling or testing, but represent default values contained in 40 CFR 60, Subpart WWW that when used with site-specific actual concentration and flow rate measurements, better predict site LFG generation. AP-42 default values were not used because they did not correlate well with observed conditions. 2. Actual Tier 2 data, collected on August 8, 2006, at a measured flow rate of 1,241 scfm shall be used until such time that the Actual Tier 2 data is obtained and submitted in a report to USEPA (Region 1) and MassDEP in accordance with 40 CFR 60.754(a)(3)(iii) and 60.757(b)(2). On June 9, 2016, the Facility conducted the required update to the Tier 2 NMOC sampling data and submitted the results. The results from this sampling produced a C_{NMOC} of 232.0 (ppmv as hexane), at a measured flow rate of approximately 840 to 890 scfm. 	EMISSION FACTORS		Variable	Value (Units)	L₀ (emission generation potential)	170 (cubic meters gas per Megagram refuse) ^(see Note 1)	k (generation rate constant)	0.05 (yr ⁻¹) ^(see Note 1)	C_{NMOC} (NMOC concentration)	297.7 (ppmv as hexane) ^(see Note 2)
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Variable	Value (Units)										
L₀ (emission generation potential)	170 (cubic meters gas per Megagram refuse) ^(see Note 1)										
k (generation rate constant)	0.05 (yr ⁻¹) ^(see Note 1)										
C_{NMOC} (NMOC concentration)	297.7 (ppmv as hexane) ^(see Note 2)										
	<p>7. In accordance with Plan Approval No. SE-11-044, fugitive dust emissions from the storage piles, landfill operations (such as the operation of mobile equipment upon the daily cover soils) and haul roads shall not cause a nuisance off-site and shall not cause visible fugitive dust emissions to extend beyond the property boundary. The Facility shall use water sprays or other techniques as necessary to control fugitive emissions such that no visible fugitive emissions leave the facility site.</p>										
	<p>8. In accordance with Plan Approval No. SE-11-044, the facility shall continue to install a temporary landfill gas collection system and a permanent landfill gas collection system that may include portions of the temporary system as required to minimize fugitive emissions and to prevent off-site nuisance odor conditions. The LFG collection systems shall be constructed and operated in accordance with the October 11, 2006 Authorization to Operate (ATO) issued, pursuant to 310 CMR 19.00 Solid Waste Management Regulations, and future ATOs issued pursuant to 310 CMR 19.00.</p>										

Table 8 (continued)	
EU	Special Terms and Conditions
Facility-wide	9. In accordance with Plan Approval No. SE-11-044, pursuant to 310 CMR 7.01, 7.02, 7.09 and 7.10, should any nuisance condition(s), including but not limited to smoke, dust, odor, or noise, occur as the result of the operation of the Facility, then the Permittee shall immediately take appropriate steps including shutdown, if necessary, to abate said nuisance condition(s).
	10. In accordance with Plan Approval No. SE-11-044, if asbestos remediation/removal will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that all removal/remediation as asbestos shall be done in accordance with Regulation 310 CMR 7.15 in its entirety and 310 CMR 4.00.
	11. In accordance with Plan Approval No. SE-11-044, if construction or demolition of an industrial, commercial or institutional building will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that said construction or demolition shall be done in accordance with 310 CMR 7.09(2) and 310 CMR 4.00.
	12. In accordance with Plan Approval No. SE-11-044, pursuant to 310 CMR 7.01(2)(b) and 7.02(7)(b), the Permittee shall allow MassDEP and/or USEPA personnel access to the Facility, buildings, and all pertinent records for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.
	13. In accordance with Plan Approval No. SE-11-044, Plan Approval No. SE-11-033 does not negate the responsibility of the Permittee to comply with any other applicable Federal, State, or local regulations now or in the future.
	14. In accordance with Plan Approval No. SE-11-044, should there be any differences between the Application No. SE-11-044 and Plan Approval No. SE-11-044, the Plan Approval No. SE-11-044 shall govern.
	15. In accordance with Plan Approval No. SE-11-044, Plan Approval No. SE-11-044 may be suspended, modified, or revoked by MassDEP, if MassDEP determines that any condition or part of Plan Approval No. SE-11-044 is being violated.
	16. In accordance with Plan Approval No. SE-11-044, Plan Approval No. SE-11-044 may be modified or amended when in the opinion of MassDEP such is necessary or appropriate to clarify the Plan Approval No. SE-11-044 conditions or after consideration of a written request by the Permittee to amend the Plan Approval No. SE-11-044 conditions.

Table 8 (continued)	
EU	Special Terms and Conditions
Facility-wide	17. In accordance with Plan Approval No. SE-11-044, pursuant to 310 CMR 7.01(3) and 7.02(3)(f), the Permittee shall comply with all conditions contained in Plan Approval No. SE-11-044. Should there be any differences between provisions contained in the General Conditions and provisions contained elsewhere in Plan Approval No. SE-11-044, the latter shall govern.

Table 8 Key:

EU	= Emission Unit
No.	= Number
NMOC	= Non-Methane Organic Compounds
VOCs	= Volatile Organic Compounds
HAPs	= Hazardous Air Pollutants
HOC	= Halogenated Organic Compounds
ppmv	= parts per million by volume
USEPA	= United States Environmental Protection Agency
LFG	= Landfill gas
scfm	= standard cubic feet per minute
CFR	= Code of Federal Regulations
CMR	= Code of Massachusetts Regulations

6. ALTERNATIVE OPERATING SCENARIOS

The Permittee did not request alternative operating scenarios in its operating permit application.

7. EMISSIONS TRADING

(a) Intra-facility emission trading

The facility did not request intra-facility emissions trading in its operating permit application.

(b) Inter-facility emission trading

The Permittee did not request inter-facility emissions trading in its operating permit application.

8. COMPLIANCE SCHEDULE

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

The Permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

10. COMPLIANCE CERTIFICATION

All documents submitted to the MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

A. Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this Operating Permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to the Air Compliance Clerk, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- 4) any additional information required by the MassDEP to determine the compliance status of the source.

B. Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the Facility is in compliance with the requirements of this Permit. The report shall be postmarked or delivered by January 30 and July 30 to MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- 4) whether there were any deviations during the reporting period;
- 5) if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- 6) whether deviations in the reporting period were previously reported;
- 7) if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- 8) if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- 9) any additional information required by the MassDEP to determine the compliance status of the source.

11. NONCOMPLIANCE

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This permit does not relieve the Permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this permit.

12. PERMIT SHIELD

- A. This Facility has a permit shield provided that it operates in compliance with the terms and conditions of this Permit. Compliance with the terms and conditions of this Permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the Permittee's application and as identified in this Permit.

Where there is a conflict between the terms and conditions of this Permit and any earlier approval or Permit, the terms and conditions of this Permit control.

- B. The MassDEP has determined that the Permittee is not currently subject to the requirements listed in Section 4, Table 7.
- C. Nothing in this Permit shall alter or affect the following:
 - 1) the liability of the source for any violation of applicable requirements prior to or at the time of Permit issuance.
 - 2) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
 - 3) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

13. ENFORCEMENT

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, 7.70 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A

All other terms and conditions contained in this permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the MassDEP, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

14. PERMIT TERM

This permit shall expire on the date specified on the cover page of this permit, which shall not be later than the date 5 years after issuance of this permit.

Permit expiration terminates the Permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

15. PERMIT RENEWAL

Upon the MassDEP's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the MassDEP on the renewal application.

In the event the MassDEP has not taken final action on the operating permit renewal application prior to this permit's expiration date, this permit shall remain in effect until the MassDEP takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

16. REOPENING FOR CAUSE

This permit may be modified, revoked, reopened, and reissued, or terminated for cause by the MassDEP and/or EPA. The responsible official of the facility may request that the MassDEP terminate the facility's operating permit for cause. The MassDEP will reopen and amend this permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the Permittee for an operating permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any Operating Permit condition.

17. DUTY TO PROVIDE INFORMATION

Upon the MassDEP's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the Permittee shall furnish to the MassDEP copies of records that the Permittee is required to retain by this permit.

18. DUTY TO SUPPLEMENT

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The Permittee shall promptly, on discovery, report to the MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to the MassDEP.

19. TRANSFER OF OWNERSHIP OR OPERATION

This permit is not transferable by the Permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between current and new permittee, has been submitted to the MassDEP.

20. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

21. INSPECTION AND ENTRY

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of the MassDEP, and EPA to perform the following:

- A. Enter upon the Permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this Permit;
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- D. Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the Operating Permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

22. PERMIT AVAILABILITY

The Permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the permit, including any amendments or attachments thereto, upon request by the MassDEP or EPA.

23. SEVERABILITY CLAUSE

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

24. EMERGENCY CONDITIONS

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based¹ emission limitations specified in this permit as a result of an emergency². In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. the permitted facility was at the time being properly operated;
- C. during the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- D. the Permittee submitted notice of the emergency to the MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

25. PERMIT DEVIATION

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supercede the following deviation reporting requirements, if applicable.

The Permittee shall report to the MassDEP's Regional Bureau of Air and Waste the following deviations from permit requirements, by telephone, fax or electronic mail (e-mail) , within three (3) days of discovery of such deviation:

- A. Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- B. Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the permit or approval as surrogate for an emission limit.

¹ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

² An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

- C. Exceedances of permit operational limitations directly correlated to excess emissions.
- D. Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- E. Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the MassDEP Bureau of Air and Waste Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

This report shall include the deviation, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone, fax or electronic mail (e-mail) within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Air and Waste within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

26. OPERATIONAL FLEXIBILITY

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit and in compliance with all applicable requirements provided the Permittee gives the EPA and the MassDEP written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

27. MODIFICATIONS

- A. Administrative Amendments - The Permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- B. Minor Modifications - The Permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- C. Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).

- D. No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

28. OZONE DEPLETING SUBSTANCES

This section contains air pollution control requirements that are applicable to this Facility, and the United States Environmental Protection Agency enforces these requirements.

- A. The Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
- 1) All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
 - 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.
 - 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
 - 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
- 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
 - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
 - 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.
 - 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
 - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

- C. If the Permittee manufactures, transforms, imports or exports a class I or class II substance, the Permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".
- D. If the Permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the Permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners". The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.
- E. The Permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, "Significant New Alternatives Policy Program".

29. PREVENTION OF ACCIDENTAL RELEASES

This section contains air pollution control requirements that are applicable to this Facility and the United States Environmental Protection Agency enforces these requirements.

This Facility is subject to the requirements of the General Duty Clause, under 112(r)(1) of the CAA Amendments of 1990. This clause specifies that owners or operators of stationary sources producing, processing, handling or storing a chemical in any quantity listed in 40 CFR Part 68 or any other extremely hazardous substance have a general duty to identify hazards associated with these substances and to design, operate and maintain a safe facility, in order to prevent releases and to minimize the consequences of accidental releases which may occur.

APPEAL CONDITIONS FOR OPERATING PERMIT

This permit is an action of the MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The MassDEP may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.